IN THE CLAIMS

Please amend claims 35, 44 and 47 and add new claims 48-49 as indicated in the following list of pending claims:

PENDING CLAIMS

1-34. (Cancelled)

35. (Currently Amended): A tissue acquisition device useful in retrieving tissue samples from a patient, comprising:

an inner cannula having a proximal end, a distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cutout cut out in the sidewall proximal to the distal end and a main lumen extending within at least a portion of the inner cannula to the cut out in the sidewall;

an outer cannula having a proximal end, a distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cut out in the tubular sidewall of the outer cannula <u>proximal to the distal end</u> and a main lumen extending within at least a portion of the outer cannula;

a passageway extending longitudinally along said device from said proximal end toward said distal end;

a tissue penetrating distal tip;

an electrically conducting cutting wire slidably and rotatably disposed in said passageway the inner lumen of the inner cannula, having a proximal end and a distal end and having a cutting loop at said distal end which extends out of said passageway and which is configured to rotate from a position within the inner cannula out of the inner cannula through the cut out in the side wall thereof in a plane traversing

the longitudinal axes of the inner and outer cannulas to a position exterior to the outer cannula, to move longitudinally in a direction generally parallel to the longitudinal [[axis]] axes exterior to the outer cannula and to rotate from a position exterior to the outer cannula into the inner cannula through the cut outs in the side wall of the inner and outer cannulas in a plane traversing the longitudinal axes.

- 36. (Previously Presented): The tissue acquisition device of claim 35, wherein said electrically conducting cutting wire is configured to make electrical contact with a source of radio-frequency electrical energy.
- 37. (Previously Presented): The tissue acquisition device of claim 35, wherein said cutting loop is a RF energy cutting loop.
- 38. (Previously Presented): The tissue acquisition device of claim 35, wherein said cutting loop comprises a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.
- 39. (Previously Presented): The tissue acquisition device of claim 35, further comprising an electrically conducting distal cutting wire disposed near the distal end of said device.
- 40. (Previously Presented): The tissue acquisition device of claim 39, wherein said electrically conducting distal cutting wire is configured to make electrical contact with a source of radio-frequency electrical energy.
- 41. (Previously Presented): The tissue acquisition device of claim 40, wherein said electrically conducting distal cutting wire comprises a material selected

from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.

- 42. (Previously Presented): The tissue acquisition device of claim 35, further comprising an end plug disposed on the distal end of said device.
- 43. (Previously Presented): The tissue acquisition device of claim 42, further comprising an electrically conducting distal cutting wire disposed distal to said end plug.
- 44. (Currently amended): A tissue acquisition device useful in retrieving tissue samples from a patient, comprising:
 - penetrating distal tip at the distal end, a longitudinal axis extending between said proximal and distal ends, a tubular sidewall, a cut out in the sidewall proximal to the distal end and an inner lumen extending within at least a portion of the elongated probe member to and in fluid communication with the cut out in the side wall sidewall;
 - an electrically conducting cutting wire which is slidably and rotatably disposed in said passageway, which has a distal end and a cutting loop at the distal end which is configured to rotate from a position within the probe member out of the cut out in the tubular sidewall to a position exterior to the elongated probe member in a plane traversing the longitudinal axis of the probe member, to move longitudinally in a direction generally parallel to the longitudinal axis exterior to the elongated probe member and to rotate

from a position exterior to the outer cannula elongated probe member into the elongated probe member through the cut out in the tubular side wall in a plane traversing the longitudinal axis.

- 45. (Previously presented): The tissue acquisition device of claim 44, wherein said electrically conducting cutting wire is configured to be electrically connected to a source of radio-frequency electrical energy.
- 46. (Previously presented): The tissue acquisition device of claim 44, wherein the cutting loop is formed at least in part of a material selected from the group consisting of stainless steel, tungsten, platinum, and nickel-titanium alloy.
- 47. (Currently Amended) The tissue acquisition device of claim 44, wherein the tissue penetrating distal tip has an electrically conducting distal cutting wire is disposed near the distal end of said device distal to the cut out in the tubular side wall which facilitates passage through tissue.
- 48. (New) The tissue acquisition device of claim 35 including a vacuum source in fluid communication with the main lumen of the inner cannula to draw a tissue specimen into the inner cannula through the cut outs of the inner and outer cannulas.
- 49. (New) The tissue acquisition device of claim 44 including a vacuum source in fluid communication with the inner lumen of the probe member to draw a tissue specimen into the inner lumen through the cut out of the probe member.